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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 23 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of)	
)	
Petition of U S WEST Communications,)	CC Docket No. 97-172
Inc. for a Declaratory Ruling Regarding the)	
Provision of National Directory Assistance)	
)	
)	

AT&T CORP. REPLY COMMENTS ON U S WEST'S FURTHER SUBMISSION

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, and the Public Notice released March 19, 1998 (DA 98-532), AT&T Corp. ("AT&T") hereby submits its reply to the comments of other parties concerning U S West Communications, Inc.'s ("U S West") Further Submission in Support Of Petition For Declaratory Ruling ("Further Submission").

Four parties filed comments on the Further Submission. Both AT&T and MCI showed that the prior comments in this proceeding demonstrated that U S West's National Directory Assistance service ("NDA") violates § 271 of the 1996 Act, and that the bulk of U S West's latest pleading does nothing more than rehash its previous arguments. AT&T and MCI showed further that the few new arguments the Further Submission does offer are unpersuasive, that the Commission lacks the authority to forbear from enforcing § 272 as to NDA, and that NDA could not satisfy the § 10 forbearance criteria in any event.

AT&T Corp.

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Ameritech's comments simply express agreement with the Further Submission and recapitulate arguments made previously in this docket, and thus add nothing of substance to the record before the Commission. Similarly, SBC's comments are largely a repackaging of prior contentions. That BOC does, however, offer two new arguments, neither of which can withstand even brief scrutiny.

First, SBC asserts that the Commission's 1990 approval of its DirectLine Custom Service ("DLC") somehow supports its claim that NDA is not an interLATA service.¹ SBC states correctly that the Commission found that DLC was an "adjunct to basic service," and argues that because DLC could provide customers with directory listings outside their own NPA, the provision by a BOC of a service such as NDA is not prohibited by § 271. In fact, DLC provides no support for SBC's argument.

According to the Southwestern Bell Telephone Company ("SWBT") tariff transmittal that established DLC, that offering was an access service.² The transmittal makes plain that DLC was not intended as an offering to end users, but rather as a means to permit interexchange carriers to provide electronic directory assistance services to their own customers utilizing DLC as a component of such offerings.³ Thus, DLC was simply

¹ See SBC, pp. 3-4.

² See Southwestern Bell Telephone Company, Transmittal No. 1741, Tariff F.C.C. No. 68, filed December 1, 1988.

³ See id., Section 19.1, p. 233 ("The Telephone Company will provision DirectLine-Custom to allow the access customer's end user the ability to have direct on-line electronic access to the Telephone Company's directory database....") (emphasis added); see also Comments of American Telephone and Telegraph Company, Southwestern Bell Telephone Company, Revisions to Tariff F.C.C. No. 68, Transmittal No. 1741, filed March 29, 1990, p. 5 ("AT&T has filed tariffs which

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an electronic version of the directory assistance services that SWBT already was providing to IXC's, under which a customer dialed NPA-555-1212 and an IXC carried that call to a BOC operator who then provided information to the caller. Although the BOCs provided operator services to IXC's under such traditional arrangements, they did not thereby provide interLATA directory assistance to end users -- and nothing in the Commission's order approving SBC's DLC offering suggests that they lawfully could have done so. DLC entailed only access to SWBT's directory assistance database; customers obtained interLATA transport from an IXC in order to utilize that service:

[DLC] allows an access customer's end user the ability to have direct on-line electronic access to the DirectLine Custom directory database. The end user will access SWBT's packet network via its access provider's packet network or other facilities capable of interfacing with Southwestern Bell's packet network.⁴

Second, SBC also contends that NDA is an incidental interLATA service pursuant to § 271(g)(5), which applies to "signaling information used in connection with the provision of telephone exchange services or exchange access by a local exchange carrier." This argument is frivolous at best. SBC argues that the database query launched by a U S West operator answering an NDA call is "analogous" to a Line Information Data Base ("LIDB") query because both cases involve a "switch which launches a query to

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introduce a new Electronic Directory Assistance ('EDA') Service, and SWB is scheduled to be AT&T's first access provider for that service.").

⁴ Id., D&J p. 1-2.

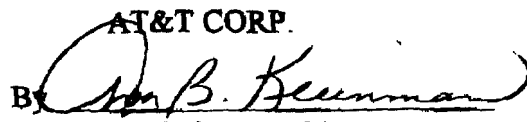
retrieve information from a database.”⁵ SBC’s argument proves far too much, as it would deem virtually any service that involved a database “look-up” to be signaling. The database queries performed by NDA operators are not related in any way to the routing, rating, billing, or set-up of calls placed by end users to the NDA service, or to any other function that might reasonably be construed to be within the plain meaning of the term “signaling.” Accordingly, those queries cannot possibly be found to be within the scope of the term “signaling information” as used in § 271(g)(5), and SBC’s contention is meritless.

⁵ See SBC, pp. 5-6.

CONCLUSION

For the reasons stated above and in AT&T's prior comments and reply comments in this docket, the Commission should find that U S West's national directory assistance service is not permitted under § 271 of the Act and that, accordingly, the Commission may not forbear from enforcing the requirements of § 272 as to that service. If the Commission finds that it has the power to forbear from enforcing § 272 as to NDA, it should refuse to do so on the grounds that the § 10 criteria are not satisfied as to that service.

Respectfully submitted,

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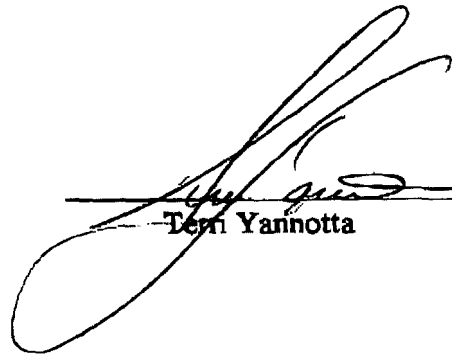
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April 23, 1998

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 23rd day of April, 1998, a copy of the foregoing "AT&T Corp. Reply Comments on U S West's Further Submission" was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.



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April 23, 1998

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